

AMENDED IN ASSEMBLY MAY 10, 2001

AMENDED IN ASSEMBLY APRIL 23, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 965

Introduced by Assembly Member Mountjoy
(Coauthors: Assembly Members Dutra, Havice, Hollingsworth,
Longville, and Vargas)

February 23, 2001

An act to add ~~Section 193.9 to the Penal Code, and to add~~ Section 101.10 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 965, as amended, Mountjoy. Highways: victim signs.

Existing law restricts the placement and maintenance of signs along the highways.

This bill would require the Department of Transportation to design, place, and maintain, or cause to be designed, *constructed*, placed, and maintained, along state highways, signs that read as follows: "Please Don't Drink and Drive" followed by: "In Memory of (victim's name)." These signs would be required to be placed, subject to placement guidelines of the department, upon the state highways in close proximity to the location where a vehicular accident occurred and a party to that accident was convicted of operating a vehicle in violation of certain provisions prohibiting the driving of a motor vehicle while under the influence of alcohol or drugs, at the time of the accident, or a person who is killed in the accident was driving in violation of those provisions and was the only deceased victim.

The bill would provide that, upon the request of an immediate family member, as defined, ~~or of the deceased victim or driver of an accident occurring on and after January 1, 1999, and described above, or upon a court order, as provided or upon the request of a party who has obtained the written consent of an immediate family member, the~~ department shall place the sign and ~~to charge the requesting family member or the person ordered by the court to pay~~ party a fee to cover the department's costs in designing, *constructing*, placing, and maintaining that sign *and the department's administrative costs in implementing these provisions provided that the administrative costs do not exceed \$20 for each sign.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 193.9 is added to the Penal Code, to~~
2 ~~read:~~

3 ~~193.9. Any person convicted of Section 187 that is the direct~~
4 ~~result of driving a vehicle while in violation of Section 23152 or~~
5 ~~23153 of the Vehicle Code, of a violation of subdivision (a) of~~
6 ~~Section 191.5, or of paragraph (3) of subdivision (c) of Section 192~~
7 ~~may be ordered by the court to pay the costs of designing, placing,~~
8 ~~and maintaining a sign in memory of the victim of that violation~~
9 ~~pursuant to Section 101.10 of the Streets and Highways Code. An~~
10 ~~order executed under this section shall be in addition to any other~~
11 ~~punishment imposed on the person by the court or as a condition~~
12 ~~of probation.~~

13 ~~SEC. 2.~~

14 *SECTION 1.* Section 101.10 is added to the Streets and
15 Highways Code, to read:

16 101.10. (a) The department shall design, *construct*, place,
17 and maintain, or cause to be designed, *constructed*, placed, and
18 maintained, along state highways, signs that read as follows:
19 "Please Don't Drink and Drive," followed by: "In Memory of
20 (victim's name)." These signs shall be placed upon the state
21 highways in accordance with this section and placement
22 guidelines adopted by the department.

23 (b) If the placement at the location is safe and practical, a sign
24 described in subdivision (a) that meets the condition of this section

1 shall be placed in close proximity to the location where a vehicular
2 accident occurred and any of the following occurred:

3 (1) A party to that accident was convicted of any of the
4 following:

5 (A) Murder of the second degree under Section 187, and the
6 violation was a direct result of driving a vehicle while in violation
7 of Section 23152 or 23153 of the Vehicle Code.

8 (B) Gross vehicular manslaughter while intoxicated under
9 subdivision (a) of Section 191.5 of the Penal Code.

10 (C) Vehicular manslaughter under paragraph (3) of subdivision
11 (c) of Section 192.

12 (2) The person driving the vehicle operated the vehicle in
13 violation of Section 23152 or 23153 of the Vehicle Code and was
14 the only deceased victim of the accident.

15 (c) (1) Upon the request of an immediate family member of the
16 deceased victim or driver involved in an accident *occurring on and*
17 *after January 1, 1991, and described in subdivision (b) or upon a*
18 ~~court order pursuant to Section 193.9 of the Penal Code~~
19 *subdivision (b), the department shall place a sign in accordance*
20 *with this section. A person who is not a member of the immediate*
21 *family may also submit a request to have a sign placed under this*
22 *section if that person also submits the written consent of a an*
23 *immediate family member. The department shall charge the*
24 *requesting party or the person ordered under Section 193.9 of the*
25 ~~Penal Code a fee to~~ *a fee to* ~~cover the department's cost in~~
26 *designing, constructing, placing, and maintaining that sign, and*
27 *the department's costs in administering this section, provided that*
28 *the administrative costs do not exceed twenty dollars (\$20) for*
29 *each sign. The sign shall be posted for 10 years from the date of*
30 *initial placement, or until the date the department determines that*
31 *the condition of the sign has deteriorated to the point that it is no*
32 *longer serviceable, whichever date is first.*

33 (2) "Immediate family" means spouse, child, stepchild,
34 brother, stepbrother, sister, stepsister, mother, stepmother, father,
35 or stepfather.